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## BLAKEMORE'S ADM'R et al. v. ROLLER et al.

March 10, 1910.

[67 S. E. 377.]

**1. Judicial Sales (§ 52\*)—Property Sold—Sale in Gross or by Acre.**—That the land sold for a lump sum was spoken of as the "ten-acre tract" does not show that the sale was by the acre, rather than in gross.

[Ed. Note.—For other cases, see Judicial Sales, Dec. Dig. § 52.\* 13 Va.-W. Va. Enc. Dig. 516, et seq.; 14 id. 1053, et seq.]

**2. Judicial Sales (§ 52\*)—Validity—Effect of Confirmation.**—An increase or abatement of the price of land sold at judicial sale will not be permitted for excess or deficiency in quantity after confirmation of the sale, except for after-discovered fraud, misrepresentation, or mutual mistake.

[Ed. Note.—For other cases, see Judicial Sales, Dec. Dig. § 52.\* 8 Va.-W. Va. Enc. Dig. 752, et seq.; 826, 830, 831, 838; 13 id. 529, et seq.; 14 id. 1055.]

Appeal from Circuit Court, Rockingham County.

Petition of intervention by Blakemore's administrator and others in the cause of Cline against Blakemore. From a decree sustaining a demurrer to the petition, petitioners appeal. Affirmed.

*Roller & Martz* and *D. O. Dcchert*, for appellants.

*John E. Roller*, for appellee.

## PERKINS v. HERRING.

March 10, 1910.

[67 S. E. 515.]

**1. Reformation of Instruments (§ 45\*)—Evidence—Weight and Sufficiency.**—To warrant a reformation of a contract on the ground of mistake of fact, the evidence must be clear, convincing, and satisfactory.

[Ed. Note.—For other cases, see Reformation of Instruments, Cent. Dig. § 158; Dec. Dig. § 45.\* 9 Va.-W. Va. Enc. Dig. 869, et seq.; 11 id. 903, 905; 14 id. 901.]

**2. Reformation of Instruments (§ 45\*)—Evidence—Sufficiency.**—In an action for specific performance of a contract to convey land, evidence held insufficient to sustain defendant's claim for a reformation

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\*For other cases see same topic and section NUMBER in Dec. and Am. Digs. 1907 to date, and Reporter Indexes.